

July 17, 2020

Representative Claire Cronin, House Chair, Joint Committee on the Judiciary
Representative Aaron Michlewitz, Chair, House Committee on Ways and Means
Representative Michael Day, Vice Chair, Joint Committee on the Judiciary
Representative Denise Garlick, Vice Chair, House Committee on Ways and Means

Re: Police Accountability Legislation

Dear Representatives Cronin, Michlewitz, Day, and Garlick,

Massachusetts Law Reform Institute (MLRI) submits this letter in support of police reform and accountability measures being considered by the House of Representatives. MLRI is a statewide, non-profit legal services organization whose mission is to advance economic, social and racial justice through legal action and advocacy. Following on the Legislature's important enactment of criminal justice reform in chapter 69 of the acts of 2018, we urge the House to give particular consideration to these three issues, which would further the goals of that law and would also help to eliminate structural racism in our society.

Limit Qualified Immunity. As reflected in House 3277, An Act to Secure Civil Rights through the Courts of the Commonwealth, sponsored by Representative Day, this bill would strengthen existing state law to hold enforcement officials accountable for violation of people's rights by updating the Massachusetts Civil Rights Act to place limits on qualified immunity—a loophole in the law that has made it nearly impossible for citizens whose rights are violated by police misconduct to hold police officers responsible for that wrongdoing..

Institute Use of Force Standards. House Docket 5128, sponsored by Representative Liz Miranda, would establish baseline use of force standards that are now not contained in state law: requiring police to de-escalate and use minimal force; banning extremely violent tactics, such as chokeholds, rubber bullets, attack dogs, tear gas, and other chemical weapons; creating a “duty to intervene” when officers witness an abuse of force; ensuring that police misconduct investigations and outcomes are public record; establishing oversight from the Attorney General for data collection and reporting; and directing the Department of Public Health to promulgate regulations for healthcare providers to report officer-involved injuries and deaths.

Allow for Additional Juvenile Expungement. The overwhelming number of young people who become involved with the juvenile or criminal justice system as an adolescent or young adult grow up and move on with their lives. In order not to burden these young people with onerous criminal records for decades to come, we urge the House to clarify the expungement law to:

- Remove the current limit for expungement to a single charge or incident. Some young people may need more than one opportunity to exit the criminal justice system and the overwhelming majority do without posing a risk to public safety.
- Distinguish between dismissals and convictions. Many young people who are arrested face charges that are later dismissed. Those young people should not have a record to follow them forever.

These changes in the law will remove barriers to employment, education, and housing, and give people of color who are disproportionately represented in the criminal justice system and who disproportionately experience the collateral consequences of a criminal record the opportunity to move on with their lives.

Thank you for your work on these important issues and for your consideration of our views.

Sincerely,

/s/

Georgia Katsoulomitis
Executive Director